

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	
)	
Petition for Clarification of WorldCom, Inc.)	
_____)	

PETITION FOR LIMITED RECONSIDERATION

Sprint Corporation ("Sprint"), on behalf of the Telecommunications Relay Service ("TRS") operations of its subsidiary Sprint Communications Company LP ("Sprint Relay"), hereby respectfully requests that the Commission reconsider the *Declaratory Ruling* (FCC 02-121) released April 22, 2002 in the above-captioned proceeding in two respects.¹ First, Sprint asks that the Commission reconsider its decision that pay-per-call services *i.e.*, 900 services, be provided as part of TRS service via the Internet ("IP Relay"). *Id.* at ¶34. At the present time and for the foreseeable future, such services cannot be provided via IP Relay since the IP Relay provider is unable to pass the calling party's telephone number to the carrier providing the 900 service and without such information, the switches of such carrier will reject the call. Second, Sprint requests that the Commission reconsider its decision to require that IP Relay service

¹ WorldCom has filed a petition asking that the Commission reconsider its decision to grant waivers of certain of the minimum standards for one year only. WorldCom believes that such waivers be granted for an indefinite period of time. Sprint agrees and supports WorldCom's request. Thus, Sprint requests that the waivers being requested in this reconsideration petition not be time-limited.

include hearing carry over ("HCO") functionality. *Id.* at ¶32. The technology needed to provide HCO is the same as that needed to provide voice carry over ("VCO") and speech-to-speech ("STS") relay services and, as is the case with VCO and STS, such technology cannot be used to provide HCO at the present time. Because IP Relay providers cannot be expected to offer features and functions that are impossible to provide with current technology, waivers of these two minimum standards that Sprint asks the Commission to adopt on reconsideration are in the public interest. 47 CFR §1.429(b)(3).

Under Commission and court precedent, waivers of existing rules are not to be routinely granted. Such rules are considered valid and the applicant for a waiver "faces a high hurdle even at the starting gate." *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972). Such applicant must plead "the particular facts" that "make strict compliance" with the rule or rules involved "inconsistent with the public interest." *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). For its part, the Commission must take a "hard look" at the waiver request, *WAIT Radio* at 1157, and "consider all relevant factors." Only then and only if the Commission finds that "good cause exists" will the Commission grant a waiver of its rules. *Declaratory Ruling* at ¶28 citing *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971); *see also*, 47 CFR §1.3.

Based upon this standard, the Commission has already determined that IP Relay providers, at least temporarily, do not have to meet certain minimum standards applicable to TRS service. In particular, the Commission had found that an IP Relay provider does not have to "provide location information to Public Safety Answering Points (PSAPs)." *Declaratory Ruling* at ¶30. Its decision here is based on the fact that an IP Relay provider does not have the necessary ANI information of the calling party to enable the IP Relay provider to furnish the

caller's location to the PSAP and therefore "it would be unreasonable to require IP Relay to provide information that it does possess..." *Declaratory Ruling* at ¶30.² The Commission also agreed to waive for one year the requirement that IP Relay offer VCO and STS service because "technological limitations make these services impossible at this point." *Id.* at ¶32. And, the Commission has waived the carrier of choice minimum standard in part because of "the difficulty in determining whether [an IP Relay] call is long distance." *Id.* at ¶31.³

In its comments, Sprint stated that it would also be impossible, given the state of technology, for IP Relay to offer pay-per-call services and provide HCO functionality. But the Commission saw "no reason why IP Relay cannot accommodate pay-per-call, or '900' number services." *Declaratory Ruling* at ¶33. Similarly, the Commission saw "no reason why IP Relay cannot be used for the text leg of an HCO call." *Id.* at ¶32. Such reasons are set forth below in perhaps greater detail than that presented in Sprint's comments.

A carrier offering 900 service requires that the ANI of the calling party be included in the signaling stream sent to its switch by either the calling party's local exchange carrier or, in the case of TTY-based TRS service, the TRS service provider. The carrier needs such information to bill the calling party on behalf of its 900 service content provider customer.⁴ If ANI is not included in the signaling stream, the 900 service carrier's switch will reject the call either by

² The waiver is for one year, although, as noted, WorldCom has asked the Commission to reconsider imposing any time limit.

³ The waiver is permanent as long as "IP Relay providers continue their policy of not charging customers for long distance calls." *Id.*

⁴ It may well be the case that, as the Commission states, certain pay-per-call content providers require the calling party bill the call to a credit card. *Declaratory Ruling* at ¶34. However, it is Sprint's understanding that many, if not most, pay-per-call content providers continue to avail themselves of the billing and collection services of the carriers providing 900 service.

returning a fast busy to the caller or by an announcement that the call cannot be completed as dialed.

The Commission recognizes that, unlike a TTY or voice call to a TRS center, "ANI information is not available in Internet connections." *Declaratory Ruling* at ¶30. Thus, the only way for the TRS provider to offer pay-per-call services through IP Relay would be to either insert the TRS center number in the signaling stream that is transmitted to the 900 service carrier's switch or ask the person accessing the relay center over the Internet to provide a phone number for inserting into the signaling stream. The first option would result in the TRS center being billed for the pay-per-call services offered by providers that avail themselves of the billing and collection services offered by the 900 service carrier with no opportunity to pass such bill onto the person using IP Relay to make the 900 call. The second option could increase the likelihood of fraud since the TRS provider would have no way to ensure that the telephone number given by the IP Relay user is accurate.⁵ Neither alternative can possibly be found to be in the public interest and accordingly there is good cause for waiving the pay-per-call requirement for IP Relay.

A waiver of the requirement that IP Relay provide HCO functionality is also justified for the simple reason that the provision of HCO requires the use of the same technology that is used to provide VCO. Both services require text messaging during one leg of the call. The only difference is the directional flow of such text. In the case of VCO, because the hearing-impaired individual can speak to but hear the response from the other party, the CA sends such response to

⁵ Asking that the IP Relay user provide a customer profile would not eliminate the possibility for fraud since it is difficult to ensure that the information provided by the IP Relay user is accurate. Moreover, a requirement for customer profiles reduces the convenience of using IP relay.

the hearing-impaired customer as a text message. In the case of HCO, because the hearing-impaired individual can hear but not speak to the other party, the hearing-impaired individual sends a text message to the CA who then reads it to the other party. Thus, the technological limitations that prevent the offering of VCO functionality through IP Relay apply equally to HCO functionality.

In sum, unless the Commission waives the requirement that pay-per-call service and HCO functionality be provided through IP Relay, Sprint and other providers of IP Relay will not be able to obtain compensation from the Interstate TRS Fund since they will not have met the minimum standards established by the Commission for the service. And, without compensation, such providers may have to curtail or discontinue their provision of IP Relay depriving potential users of the service the multitude of consumer benefits that the Commission expects from IP Relay. *Declaratory Ruling* at ¶¶ 7-9. Accordingly, Sprint respectfully requests that the Commission grant Sprint's reconsideration petition.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read 'MBF', is written over a horizontal line.


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July 11, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION FOR LIMITED RECONSIDERATION** of Sprint Corporation was sent by hand or by United States, first-class mail, postage prepaid on this the 11th day of July, 2002 to the parties on the attached list.


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